



## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, JUNE 21, 2007  
AT 6:00 P.M.  
BASEMENT TRAINING ROOM, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

### **1. CALL TO ORDER**

Chairperson Hughes called the regular meeting to order at 6:07 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, Mr. Don Maxwell, and Mr. Michael Parks.

Commission member absent was: Mr. John Clark (Vice Chairperson)

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Mr. Rodney Schmidt, Executive Management Intern.

### **2. HEAR CITIZENS**

No one came forward.

### **3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST**

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding Agenda item #11, Rezoning RZ07-27. Commissioner Horton will not participate in deliberation or voting on this agenda item.

**4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)**

**A. Approval of minutes from the workshop and regular meetings on June 7, 2007.**

**Commissioner Jones moved to approve the Consent Agenda. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUESTS FOR APPROVAL OF RESUBDIVISION**

**5. PUBLIC HEARING/CONSIDERATION – Replat RP07-10**

**R. Haynes**

*A request to replat Lots R2 and R7 in Block B of the Rockwood Park Estates Subdivision in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant, Mr. John Wingfield, has requested to replat a 1.42 acre tract which comprises all of lot R7 and a portion of Lot R2, Block B, Rockwood Park Estates. The applicant wishes to divide the property and create an additional home site. In order to satisfy deed restrictions of Rockwood Park Estates, the applicant was compelled to change the boundary between lot R7 and R2 in order to provide each lot with the required area. Both the Site Development Review Committee and staff recommend approving this request.

Public hearing was opened.

Mr. Doug Winoberger came forward and stated that he is not opposed to replat, but that he is opposed to the applicant's intent to lease the new properties to multiple unrelated individuals which is in violation of the Rockwood Park Estates' deed restrictions.

Mr. John Wingfield, of 217 North Harvey Mitchell Parkway, Bryan, Texas, applicant, came forward to speak in favor of the request. He stated that the newly-created lots will be large enough to satisfy Rockwood Park Estates' deed restriction requirements.

Ms. Michele Lacey, of 1904 Cedarwood Drive, Bryan, Texas, came forward to speak in opposition to the replat. She feels that Mr. Wingfield's land development activities in the neighborhood have continually decreased property values.

Ms. Elena Szilagyi, of 1901 Cedarwood Drive, Bryan, Texas, came forward to speak in opposition to the replat. She stated that her past experiences with rental properties have not been positive and feels they will decrease the value of the homes in her neighborhood.

Public hearing was closed.

**Commissioner Maxwell moved to approve the RP07-10, as requested. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Responding to a question from Commissioner Parks, staff responded that the replat had been approved by the Site Development Review Committee.

Commissioner Bond stated that he did not understand why the neighborhood association had not yet taken legal actions against Mr. Winfield if they knew that he was going to build rental properties in violation of the deed restrictions.

**The motion passed with a unanimous vote.**

**6. PUBLIC HEARING/CONSIDERATION – Replat RP07-16**

**J. Fulgham**

*A request to replat Lots 1 and 2 in the Garlyn Shelton Imports Subdivision in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). She stated that the replat would combine two lots fronting State Highway 6 into one lot of 8.01 acres. Both the Site Development Review Committee and Staff recommend approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to approve the RP07-16, as requested. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**7. PUBLIC HEARING/CONSIDERATION – Replat RP07-17**

**R. Haynes**

*A request to replat Lots 10A and 11 in Block 1 of Briarcrest West Subdivision #1 in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the proposed replat would subdivide Lots 10a and 11 in Briarcrest West 1 into three residential home site lots. Both the Site Development Review Committee and Staff recommend approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Beckendorf moved to approve the RP07-17, as requested. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks stated that the State of Texas has considerable control over replat requests at the city level.

**The motion passed with a unanimous vote.**

**REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT (Commission has final approval; appeals may be directed to City Council.)**

- 8. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-07** **R. Haynes**  
*A request for approval of a conditional use permit to allow a residence in a Commercial District (C-3) on property at 109 North Sterling Avenue, occupying Lots 9 and 10 in Block 159 of the Bryan Original Townsite in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the subject property is located in an area zoned Commercial District. The applicant is requesting a Conditional Use Permit which will allow the property to retain its residential use. He also stated that the property has maintained its residential use for over 90 years. Staff recommends approving a Conditional Use Permit to allow the use as a single family residence to continue on the subject property.

The public hearing was opened.

Ms. D.D. Clubowski came forward and asked whether the home would continue to be a multi-family dwelling or change to a single-family dwelling.

Mr. Aaron Hendrick, of 109 North Sterling, Bryan, Texas, came forward and stated that the residence will continue to be a multiple-family dwelling.

The public hearing was closed.

**Commissioner Beckendorf moved to approve Conditional Use Permit CU07-07, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

**REQUEST FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)**

**9. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-27**

**R. Haynes**

*A request for approval of a 6-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to legitimize previous construction of a porch addition setback 19 feet from the front property line of property at 816 Mitchell Street, occupying Lot 11 and parts of Lot 12 in Block 21 of the Mitchell-Lawrence-Cavitt Subdivision in Bryan, Brazos County, Texas.*

Chairman Hughes announced that consideration and action regarding Planning Variance PV07-27 has been postponed until the Commissions next regular meeting on July 19, 2007.

The public hearing was opened.

Mr. Dan Tucker, of 711 Lawrence, Bryan, Texas, came forward to speak in favor of the request. He stated that the homeowners have done nothing but improve the value of their home and the area and hopes that the variance is approved.

The public hearing was closed.

**REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)**

**10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-26**

**R. Haynes**

*A request to change the zoning classification from Mixed Use Residential District (MU-1) to Industrial District (I) on Lots 1 thru 14 in Block 13 of Lone Oaks Acres Subdivision, being 5.63 acres of land in Bryan, Brazos County, Texas.*

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). He stated that the applicant is requesting the rezoning of 5.63 acres of land located on the west side of the 3100 block of Clark's Lane south of its intersection with Tabor Road, from the current Mixed Use Residential District (MU-1), to Industrial District (I). The request has been made to accommodate a warehouse/office use at this location. Staff recommends approval of this request because they feel that the proposed change of use would not adversely affect the health, safety, moral, or the general welfare of citizens residing near the property in question.

The public hearing was opened.

Mr. Doug Weedon, of 3600 Tabor Road, Bryan, Texas, came forward and stated that he does not have a problem with an Industrial classification for this property but is worried about potential water runoff into his property.

Ms. Kathy Jones, of 3009 Parks Lane, Bryan, Texas, came forward and stated that she does not have a problem with an Industrial classification for this property but is worried about potential water runoff into her property.

Mr. James Jones, of 3009 Parks Lane, Bryan, Texas, came forward and stated that he does not have a

problem with an Industrial classification for this property but is worried about potential water runoff into his property.

The public hearing was closed.

**Commissioner Horton moved to recommend approval of Rezoning RZ07-26, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

Chairperson Hughes reminded that Commissioner Horton had filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following agenda item #11, Rezoning RZ07-27. Commissioner Horton will not participate in deliberation or voting on this agenda item.

#### **11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-27**

**J. Fulgham**

*A request to change the zoning classification from a combination of Residential District – 5000 (RD-5) and Residential District – 7000 (RD-7) to Residential – Neighborhood Conservation District (R-NC) on all lots in the Beverly Estates Subdivision in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that the property owners within Beverly Estates Subdivision have submitted a complete petition for a City-initiated zoning change from a combination of RD-5 and RD-7 to R-NC on approximately 107 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approval of this request because the new classification will help to preserve, protect, and enhance the character of this established residential neighborhood by limiting the number of unrelated individuals that may occupy a single dwelling unit to two.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to recommend approval of Rezoning RZ07-27, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

## **12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-29**

**J. Fulgham**

*A request to change the zoning classification from Commercial District (C-3) to Retail District (C-2) on property at 3098 East Villa Maria Road, occupying Lots 1 and 2 in Block 2 of the Allen Ridge Subdivision – Phase 3 in Bryan, Brazos County, Texas.*

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that the applicant is requesting a zone change from a Commercial (C-3) zoning district to a Retail (C-2) zoning district to allow development of the property located at 3098 East Villa Maria Road. Currently, a 50 foot gas pipeline easement is located on a large portion of Lot 1 of the subject property. The construction of parking lots and buildings is prohibited in this easement; therefore, the applicant is requesting a zone change to the C-2 district to reduce the buffer required on these lots and create a larger building envelope. Staff recommends approval of this request because it conforms to the land use recommendations of the Comprehensive Plan and will not adversely affect the health, safety, moral, or general welfare of nearby citizens.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Parks moved to recommend approval of Rezoning RZ07-29, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.**

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

**The motion passed with a unanimous vote.**

## **13. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-30**

**R. Haynes**

*A request to change the zoning classification from Mixed Use Residential District (MU-1) to Industrial District (I) on 6.552 acres of land wrapping around the east corner of Tabor Road and Clarks Lane, being parts of Blocks 1 and 2 in the Lone Oak Acres Subdivision in Bryan, Brazos County, Texas.*

Chairman Hughes announced that consideration and action on Rezoning RZ07-30 has been postponed until the Commissions next regular meeting on July 19, 2007.

The public hearing was opened.

No one came forward.

The public hearing was closed.

## **14. COMMISSION CONCERNS**

Commissioner Beckendorf commented on how well staff and code enforcement were doing.

Commissioner Maxwell seconded Commissioner Beckendorf's comments.

## 15. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:24 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 5<sup>th</sup> day of **July, 2007**.

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Art Hughes, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Lindsey Guindi, Planning Manager and  
Secretary to the Planning and Zoning  
Commission